

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-1324-MWD-E **TCEQ ID:** RN102916848 **CASE NO.:** 34436
RESPONDENT NAME: Elite Computer Consultants, L.P. dba Ed Lou Mobile Home Park

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Ed Lou Mobile Home Park, 15110 Grant Road on the south bank of Faulkey Gully, approximately 600 feet west of Shaw Road and approximately 800 feet northeast of Grant Road, Harris County</p> <p>TYPE OF OPERATION: Wastewater treatment</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 14, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5363; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Wayne Holtkamp, Owner/Managing Partner, Elite Computer Consultants, L.P., 10333 Northwest Freeway, Suite 414, Houston, Texas 77092 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2007-1324-MWD-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 16, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 30, 2007 (NOE)</p> <p>Background Facts: This was a routine record review. Two violations were documented.</p> <p>WATER</p> <p>1) Failed to comply with the permitted effluent limits for total suspended solids [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12600001, Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failed to submit the annual sludge report for the monitoring period ending July 31, 2006 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 12600001, Sludge Provisions].</p>	<p>Total Assessed: \$4,960</p> <p>Total Deferred: \$992 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,968</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit the annual sludge report for the monitoring period ending July 31, 2006; and</p> <p>b. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 12600001 and Ordering Provision a. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>

Additional ID No(s): TPDES0091171, WQ001260001, TX0091171



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	6-Aug-2007	Screening	15-Aug-2007	EPA Due	
	PCW	16-Aug-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Elite Computer Consultants, L.P. dba Ed Lou Mobile Home Park		
Reg. Ent. Ref. No.	RN102916848		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34436	No. of Violations	2
Docket No.	2007-1324-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Samuel Short
Multi-Media		EC's Team	EnforcementTeam 3
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$4,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **24% Enhancement** **Subtotals 2, 3, & 7** \$960

Notes

A 24% enhancement is recommended for having four NOV's for the same or similar violations and two NOV's for non-similar violations.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6 \$0

Total EB Amounts \$183
Approx. Cost of Compliance \$2,250

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$4,960

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$4,960

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$4,960

DEFERRAL

20%

Reduction

Adjustment -\$992

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$3,968

Screening Date 15-Aug-2007

Docket No. 2007-1324-MWD-E

PCW

Respondent Elite Computer Consultants, L.P. dba Ed Lou Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 34436

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102916848

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 24%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

A 24% enhancement is recommended for having four NOVs for the same or similar violations and two NOVs for non-similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 24%

Screening Date 15-Aug-2007 Respondent Elite Computer Consultants, L.P. dba Ed Lou Mobile Home Park Case ID No. 34436 Reg. Ent. Reference No. RN102916848 Media [Statute] Water Quality Enf. Coordinator Samuel Short Violation Number <input type="text" value="1"/>	Docket No. 2007-1324-MWD-E <div style="text-align: right;">PCW</div> <div style="text-align: right; font-size: small;">Policy Revision 2 (September 2002) PCW Revision June 26, 2007</div>																				
Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 12600001, Effluent Limitations and Monitoring Requirements No. 1																					
Violation Description Failed to comply with the permitted effluent limits as documented during a record review conducted on July 16, 2007. See attached table.																					
Base Penalty <input style="width: 100px;" type="text" value="\$10,000"/>																					
>> Environmental, Property and Human Health Matrix																					
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 10%;">Major</th> <th style="width: 10%;">Moderate</th> <th style="width: 10%;">Minor</th> <th style="width: 10%;"></th> </tr> </thead> <tbody> <tr> <td>Release</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td style="text-align: center;">x</td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <div style="text-align: right; margin-top: 5px;"> Percent <input style="width: 50px;" type="text" value="10%"/> </div>		Major	Moderate	Minor		Release					Actual			x		Potential				
	Major	Moderate	Minor																		
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Falsification																					
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.																				
Adjustment <input style="width: 100px;" type="text" value="\$9,000"/>																					
<input style="width: 100px;" type="text" value="\$1,000"/>																					
Violation Events																					
<div style="display: flex; justify-content: space-between;"> <div> Number of Violation Events <input style="width: 50px;" type="text" value="3"/> </div> <div> <input style="width: 50px;" type="text" value="121"/> Number of violation days </div> </div> <div style="margin-top: 10px;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 10%;">daily</td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td>monthly</td> <td></td> </tr> <tr> <td></td> <td>quarterly</td> <td style="text-align: center;">x</td> </tr> <tr> <td></td> <td>semiannual</td> <td></td> </tr> <tr> <td></td> <td>annual</td> <td></td> </tr> <tr> <td></td> <td>single event</td> <td></td> </tr> </table> <div style="text-align: right; margin-top: 10px;"> Violation Base Penalty <input style="width: 100px;" type="text" value="\$3,000"/> </div> </div> <div style="border: 1px solid black; padding: 10px; margin-top: 10px; text-align: center;"> Three quarterly events are recommended. </div>			daily			monthly			quarterly	x		semiannual			annual			single event			
	daily																				
	monthly																				
	quarterly	x																			
	semiannual																				
	annual																				
	single event																				
Economic Benefit (EB) for this violation																					
<div style="display: flex; justify-content: space-between;"> <div> Estimated EB Amount <input style="width: 100px;" type="text" value="\$163"/> </div> <div> Statutory Limit Test </div> </div> <div style="text-align: right; margin-top: 10px;"> Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$3,720"/> </div> <div style="text-align: right; margin-top: 10px;"> This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$3,720"/> </div>																					

Economic Benefit Worksheet

Respondent: Elite Computer Consultants, L.P. dba Ed Lou Mobile Home Park

Case ID No. 34436

Reg. Ent. Reference No. RN102916848

Media: Water Quality

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	31-Aug-2006	16-Apr-2008	1.6	\$163	n/a	\$163

Notes for DELAYED costs

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the expected compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$163

Screening Date 15-Aug-2007

Docket No. 2007-1324-MWD-E

PCW

Respondent Elite Computer Consultants, L.P. dba Ed Lou Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 34436

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102916848

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. 12600001, Sludge Provisions

Violation Description Failed to submit the annual sludge report for the monitoring period ending July 31, 2006, as documented during a record review conducted on July 16, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
		x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

348 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$1,240

This violation Final Assessed Penalty (adjusted for limits) \$1,240

Economic Benefit Worksheet**Respondent** Elite Computer Consultants, L.P. dba Ed Lou Mobile Home Park**Case ID No.** 34436**Reg. Ent. Reference No.** RN102916848**Media** Water Quality**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$250	1-Sep-2006	16-Apr-2008	1.6	\$20	n/a	\$20
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost associated with annual sludge sampling/reporting. Date required is the date the reporting requirement started. Final date is the expected compliance date.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Apprx. Cost of Compliance**

\$250

TOTAL

\$20

Effluent Violation Table
Elite Computer Consultants, L.P. dba Ed Lou Mobile Home Park
2007-1324-MWD-E
TPDES Permit No. 12600001

Permitted Effluent Limits	Monitoring Period End Date			
	08/31/2006	12/31/2006	02/28/2007	03/31/2007
TSS Daily Avg. 1.0 lbs/dy	1.22	C	C	1.86
TSS Daily Avg. 15 mg/L	C	20.03	21.28	23.33

Avg. = average	C = compliant	mg/L = milligrams per liter
lbs/dy = pounds per day	TSS = Total Suspended Solids	

Compliance History

Customer/Respondent/Owner-Operator:	CN601720899	Elite Computer Consultants, L.P.	Classification: AVERAGE	Rating: 0.11
Regulated Entity:	RN102916848	ED LOU MOBILE HOME PARK	Classification: AVERAGE	Site Rating: 0.11
ID Number(s):	WASTEWATER	PERMIT	WQ0012600001	
	WASTEWATER	PERMIT	TPDES0091171	
	WASTEWATER	PERMIT	TX0091171	
	WASTEWATER LICENSING	LICENSE	WQ0012600001	
Location:	located at 15110 Grant Road on the south bank of Faulkey Gully, approximately 600 feet west of Shaw Road and approximately 800 feet northeast of Grant Road in Harris County, Texas		Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	August 14, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 14, 2002 to August 14, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Samuel Short		Phone:	(512) 239-5363

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/23/2002	(213005)
2	09/19/2002	(213008)
3	10/30/2002	(213011)
4	11/25/2002	(213014)
5	12/19/2002	(213017)
6	01/27/2003	(213020)
7	02/24/2003	(212986)
8	03/20/2003	(212989)
9	04/22/2003	(318561)
10	05/27/2003	(318562)
11	06/20/2003	(318563)
12	07/09/2003	(61003)
13	07/18/2003	(318564)
14	08/05/2003	(147696)
15	08/28/2003	(318565)
16	09/17/2003	(318566)
17	10/24/2003	(318567)
18	11/26/2003	(318568)
19	12/22/2003	(318569)
20	02/11/2004	(318570)
21	02/26/2004	(318559)
22	03/18/2004	(318560)
23	04/22/2004	(361933)

24	05/24/2004	(361934)
25	06/24/2004	(361935)
26	07/22/2004	(361936)
27	09/20/2004	(361937)
28	10/22/2004	(361938)
29	11/19/2004	(387422)
30	12/20/2004	(387423)
31	01/26/2005	(387424)
32	02/24/2005	(387420)
33	04/26/2005	(387421)
34	05/23/2005	(425154)
35	06/09/2005	(379715)
36	06/23/2005	(425155)
37	07/21/2005	(445764)
38	08/22/2005	(445765)
39	09/20/2005	(445766)
40	10/27/2005	(477627)
41	11/28/2005	(477628)
42	12/29/2005	(477629)
43	01/20/2006	(477630)
44	02/27/2006	(477625)
45	03/23/2006	(477626)
46	05/02/2006	(504132)
47	05/30/2006	(504133)
48	06/27/2006	(504134)
49	07/25/2006	(526510)
50	08/24/2006	(526511)
51	08/25/2006	(510276)
52	09/29/2006	(526512)
53	07/31/2007	(567879)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	07/01/2003	(61003)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 317 317.2(d)(5)(E)			
Description:	One of the lift station pumps was out of service, leaving the facility without a back-up pump as required by 30 TAC.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 317 317.4(g)(2)			
Description:	The wall between the stilling well and the clarifier is not high enough to prevent solids and foam from spilling over into the clarifier.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	In some cases the sampling frequency reported on the DMR does not reflect the actual sampling frequency for the month.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Copies of signed sludge hauling manifests were not available at the time of the inspection.			
Date:	07/25/2006	(510276)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Rqmt Prov:	PERMIT Self-reporting Requirements			
Description:	Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.			
Date:	08/31/2006	(526512)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	12/31/2006			
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	02/28/2007			
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			

Description: TWC Chapter 26 26.121(a)[G]
Failure to meet the limit for one or more permit parameter
Date: 30/31/2007
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ELITE COMPUTER CONSULTANTS,
L.P. DBA ED LOU MOBILE HOME
PARK
RN102916848

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1324-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Elite Computer Consultants, L.P. dba Ed Lou Mobile Home Park ("Elite Computer") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Elite Computer appear before the Commission and together stipulate that:

1. Elite Computer owns and operates a wastewater treatment facility located at 15110 Grant Road on the south bank of Faulkey Gully, approximately 600 feet west of Shaw Road and approximately 800 feet northeast of Grant Road in Harris County, Texas (the "Facility").
2. Elite Computer has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Elite Computer agree that the Commission has jurisdiction to enter this Agreed Order, and that Elite Computer is subject to the Commission's jurisdiction.
4. Elite Computer received notice of the violations alleged in Section II ("Allegations") on or about August 4, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Elite Computer of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Four Thousand Nine Hundred Sixty Dollars (\$4,960) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Elite Computer has paid Three Thousand Nine Hundred Sixty-Eight Dollars (\$3,968) of the administrative penalty and Nine Hundred Ninety-Two Dollars (\$992) is deferred contingent upon Elite Computer's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Elite Computer fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Elite Computer to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Elite Computer have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Elite Computer has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Elite Computer is alleged to have:

1. Failed to comply with the permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12600001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on July 16, 2007, and as indicated in the table below.

Effluent Violation Table				
Permitted Effluent Limits	Monitoring Period End Date			
	08/31/2006	12/31/2006	02/28/2007	03/31/2007
TSS Daily Avg. 1.0 lbs/dy	1.22	C	C	1.86
TSS Daily Avg. 15 mg/L	C	20.03	21.28	23.33

Avg. = average	C = compliant	mg/L = milligrams per liter
lbs/dy = pounds per day	TSS = Total Suspended Solids	

Received 12 October 2004; accepted 12 November 2004
Published online 12 December 2004 in Wiley InterScience (www.interscience.wiley.com). DOI: 10.1002/anie.200461000

2. Failed to submit the annual sludge report for the monitoring period ending July 31, 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 12600001, Sludge Provisions, as documented during a record review conducted on July 16, 2007.

III. DENIALS

Elite Computer generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Elite Computer pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Elite Computer's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Elite Computer Consultants, L.P. dba Ed Lou Mobile Home Park, Docket No. 2007-1324-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Elite Computer shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, submit the annual sludge report for the monitoring period ending July 31, 2006; and
 - b. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 12600001 and Ordering Provision 2.a. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Elite Computer. Elite Computer is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Elite Computer fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Elite Computer's failure to comply is not a violation of this Agreed Order. Elite Computer shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Elite Computer shall notify the Executive Director within seven days after Elite Computer becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Elite Computer shall be made in writing to the Executive Director. Extensions are not effective until Elite Computer receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Elite Computer in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Elite Computer, or three days after the date on which the Commission mails notice of the Order to Elite Computer, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdin

For the Executive Director

1/11/08

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Wayne Holtkamp

Signature

11-1-2007

Date

WAYNE HOLTAMP

Name (Printed or typed)

MANAGING PARTNER

Title

Authorized Representative of
Elite Computer Consultants, L.P. dba Ed Lou Mobile Home Park

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

